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OFFICE OF PETITIONS

Applicant: Johns
Appl. No.: 10/579,867
Filing Date: May 18, 2006
Title: SILVER SOLDER OR BRAZING ALLOYS AND THEIR USE
Attorney Docket No.: MSX-106(PCT/US)
Pub. No.: 2007/0144624 A1
Pub. Date: June 28, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 24, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication comprises the WO publication filed on the same day as the accompanied application.

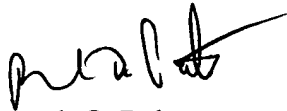
37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. **This period is not extendable.**" A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The request for corrected publication, received on October 24, 2007, was not timely filed under 37 CFR 1.221(b).

The application is being forwarded to the Office of PCT Legal Administration for review of the application papers. The first sentence of the specification states that the application is a continuation-in-part of the PCT/GB2004/050027. If there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a). See MPEP 1893.03(a) and 37 CFR 1.495(g).

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Inquiries relating to this matter may be directed to Mark O. Polutta at (571) 272-7709.

A handwritten signature in black ink, appearing to read 'm. polutta', with a long horizontal stroke extending to the right.

Mark O. Polutta
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for Patent Examination Policy